

UNITED STATES DISTRICT COURT  
for the

Western District of Virginia

APR 22 2015  
JULIA C. DUDLEY, CLERK  
BY: *M. H.*  
DEPUTY CLERK

United States of America )  
v. )  
MARIO TORRES HERNANDEZ ) Case No: 4:10CR00019-001  
 ) USM No: 15831-084  
Date of Previous Judgment: 11/22/2011 )  
(Use Date of Last Amended Judgment if Applicable) ) Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 100 months is reduced to 83 months\*.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 25

Amended Offense Level: 23

Criminal History Category: VI

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Previous Guideline Range: 110 to 137 months

Amended Guideline Range: 92 to 115 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain):

**III. ADDITIONAL COMMENTS**

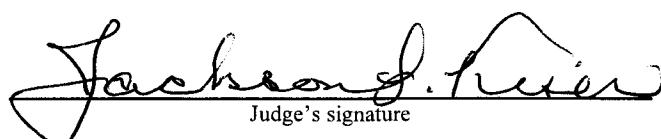
\*Defendant is sentenced to 83 months, but not less than time served. Defendant's Motion to Appoint Counsel [ECF No. 89] is DENIED.

Except as provided above, all provisions of the judgment dated 11/22/2011 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 4/22/2015

Effective Date: 11/01/2015  
(if different from order date)

  
Judge's signature

Hon. Jackson L. Kiser, Senior U.S. District Judge

Printed name and title